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November 27, 2012

Via ECFS

Michael Steffen
Legal Advisor to Chairman Genachowski
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: American Cable Association (“ACA”), *Ex Parte* Meeting on Data Request:
Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-
25, RM-10593**

Dear Michael:

I am writing on behalf of ACA about the profile of ACA members, particularly smaller cable operators, and their ability to respond without undue burdens to the Commission’s mandatory special access data request. ACA represents approximately 850 entities providing video programming service. In addition to providing video service, most ACA members provide broadband Internet access service, primarily to residential customers. Some also provide a fixed IP broadband service, which is usually purchased by customers for business purposes, and an even smaller number provide dedicated, high-performance lines for businesses.

Based on our research of ACA members, cable operators with fewer than 15,000 video subscribers have been most burdened by the residential broadband data collection and reporting efforts associated with the National Broadband Map.¹ Operators of this size typically make their best efforts to submit information but often lack the resources to provide the most up to date information in the specific format requested. These operators face various hurdles, including the cost associated with reformatting databases, the time required to obtain the latest census block data, and employees that need to focus first on serving customers. As a result, it is our understanding that in some cases the entities receiving the data sent by these operators have to reformat the data themselves or simply must

¹ ACA only tracks its members by the number of their video subscribers and finds this is a reasonable frame of reference by which to describe their provision of broadband service.

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discard the data altogether. With respect to ACA's smallest members, some might not submit data at all.

The FCC is apparently considering, as part of its mandatory special access data request, collecting data and information from providers who offer a best efforts broadband service to customers. For the reasons stated above, such a request would be significantly burdensome for smaller operators – defined as those with fewer than 1,500 business customers – to provide the data and information to the Commission about this service.² From discussions with its members, ACA found that operators with fewer than 15,000 video subscribers have approximately 1,500 business customers that subscribe to fixed IP broadband service.

This letter is being filed electronically pursuant to section 1.1206 of the Commission's rules.

Sincerely,



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²

ACA examined whether the group of operators that would be burdened by the data request could be determined based on the number of individuals employed by the company on a full time basis. However, it did not find there is a close correlation between the number of employees an ACA member has and its broadband subscriber count or the burden of reporting data to the state entity managing the National Broadband Map.